

Note to Christie & Elizabeth,

as you can
see this page
had double-jutty

OAQ received this letter, which I've been selected to reply to, and I began drafting something up. Attached you'll find both the ltr and my VERY ROUGH beginnings of reply. This is mainly to give heads-up, on areas I'll follow up with you on. I have an extension till 6/19 to reply and hope to get to this, maybe Wed Jun 8 or Wed Jun 14. cheers, Regina

(360) 753-8880

FAX TO

CHRISTIE LEE

page 1 of 4

From R Thompson

6/5/00



MAY 15 2000
OFFICE OF AIR

Six South 2nd Street, Suite 1016, Yakima, WA 98901

**Yakima Regional
Clean Air Authority**

(509) 574-1410 • Fax: (509) 574-1411

May 10, 2000

Barbara McAllister, Director
Office of Air Quality
EPA Region 10
1200 Sixth Ave.
Seattle, WA 98101

RE: EPA Activity with Columbia Ready-Mix and Columbia Asphalt

Dear Ms. ~~McAllister~~ *Barb*

The site visit on February 29, 2000 to Columbia Ready-Mix by Regina Thompson and your §114 Information request of April 13, 2000 have caused us some concern and raised several issues. These issues need to be addressed in spite of discussion with Christi Lee and Regina Thompson:

1. Jurisdiction - Is the concrete facility on the reservation or not? If so, does this lead you to believe all other facilities which support the concrete plant and are owned by Sali fall under EPA jurisdiction?
2. Compliance Assurance Agreement - Are the site visit and §114 request in keeping with the "no surprises" principle?
3. Purpose of Request - Apparently EPA wants to determine Title V and NSPS applicability for all of Columbia's operations as a single source.
4. Implications - If the concrete plant is found to be on the reservation, and along with other Sali owned operations qualify as a major source, EPA may determine they have jurisdiction for all of Columbia's operations, the concrete plant, the asphalt plant & portable equipment. This determination could also apply to Jeld-Wen which operates on & off the reservation. Yakima Manufacturing, also owned by Jeld-Wen, is off the reservation, in Yakima.

Even though Columbia Ready-Mix is located west of the river, they have offered evidence that the location is not on the reservation due to the river changing course after the reservation boundaries were established in 1895. EPA is apparently ignoring this evidence, is ignoring our jurisdiction or both. Most disturbing is that your staff have not advised us of any problems, their intentions, nor offered to keep us advised on staff plans or progress on this issue. Prior agreement and practice has

Barbara McAllister
May 10, 2000
Page 2

EPA contacting local air authorities with annual inspection schedules and scheduled visits, mutual dialog on issues and sharing information. This current situation is not consistent.

In light of the above issues, we have the following requests and questions:

1. Please explain EPA's reasons for proceeding without notifying or including us in the process, and requesting proof positive the concrete plant is on or off the reservation.
2. Does EPA intend to pursue this approach for any other sources which operate both on and off the reservation?
3. Clarify your intentions on possible AOP sources qualifying as such by operations both on and off Indian lands.
4. What is the standard procedure for similar sources on other Indian lands in Region 10 or other Regions; and is the Columbia Asphalt issue being handled similarly?

We would appreciate a written response to our concerns. We need to be included in any future meetings with Leonard Sali or his representatives, or any sources where off/on reservation issues exist. Thank you for your attention to our concerns. If you have any questions, please call me at (509) 574-1410.

Sincerely,



Les Ornelas
Air Pollution Control Officer

cc Tom Gasseling - YRCAA Board Chair
Regina Thompson - US EPA
Gary Pruitt - YRCAA Compliance Manager
Tom Silva - YRCAA Senior Engineer
Moses Dick Squeochs - Yakama Nation

Les Ornelas, Director
Yakima Regional Clean Air Authority
6 South 2nd Street, Suite 1016
Yakima, WA 98901

ROUGH DRAFT REPLY

Re: Reply to Your Correspondence of May 10, 2000

Dear Mr. Ornelas:

Thank you for your letter of May 10, 2000. I regret that our activities related to implementing the Federal Operating Permits Program (Part 71) on the Yakama Reservation have caused you concern. Your letter identifies numerous issues to be addressed. Below I provide responses to the issues you raised.

Jurisdiction – We do not have sufficient information to determine whether Columbia Ready-Mix's (CRM) concrete operation is on-reservation or not. In partial response to our XXX section 114 letter, CRM has submitted a legal description of their concrete operation in Parker. We will be forwarding this information to the Bureau of Indian Affairs and requesting mapping assistance to determine where the property is situated relative to Yakama Reservation boundaries.

Compliance Assistance Agreement – As Regina explained to you in a phone message of XX, 2000, her visit to the CRM Parker site was arranged by a Bureau of Land Management employee, to view the locations of markers BLM had positioned in proximity to US Survey Monuments placed in the 1930's. EPA had no advance notice of this site visit arrangement, and merely accompanied BLM. Regina had intended to call you upon her return to report that she had visited the CRM Parker site, but forgot to attend to this. She apologized for this omission in her XX voice message to you. No matters identified under the Compliance Assistance Agreement were discussed CHECK W/CHRISTI

The 114 letter was sent to provide us with information to enable us to determine what constitutes the "source" (at the Parker site?) and whether Part 71 applies to that source. CHECK WHETHER YRCAA EVER RECEIVED THAT GUIDANCE ABOUT SOURCE IN OTHER ARENA – EW, MTGS W/DOE

You express concern that this Office has not kept you advised of progress on this issue. This Office has endeavored to keep all state and local authorities, including YRCAA, apprised of our Part 71 implementation activities. You were sent a notice of the original rule promulgation on X. You were sent notice of the sources on Yakama Reservation who were sent Part 71 potential applicability letters on X. You were sent copies of the 114 letter and the extension of time to reply as well. Regina returned telephone calls you made to her and had a lengthy conversation with Tom Silva of your office on X, in which they discussed various questions Tom raised about the 114 letter. These records indicate that we have indeed worked diligently, with one single omission, to keep you informed of our activities. I apologize for that one oversight. I encourage you to contact my staff whenever you have questions or concerns.

Regarding your list of questions of page 2 of your letter:

- 1 EPA is responsible to implement the Part 71 program throughout Indian country. We have provided notice to YRCAA regarding our activities and will continue doing so. If you have unresolved questions please contact my staff to discuss these. We did not request "proof positive the concrete plant is on or off the reservation" Please refer to your copy of the 114 to CRM, in which we requested legal descriptions to assist in mapping the facility relative to reservation boundaries.
- 2 CRM is unique in our Part 71 experience to date because there are questions both over whether

(END)

360

153

4040